

Montana Transportation Commission

May 25, 2006 meeting

Montana Department of Transportation headquarters building
2701 Prospect Avenue ~ Helena, MT

Summary Minutes

The following is an unofficial **summary** of commission action; the formal minutes of this meeting will be reviewed and approved at the next commission meeting.

In attendance:

Bill Chairman Kennedy, Transportation Commission Chair
Nancy Commissioner Espy, Transportation Commission Vice Chair
Kevin Commissioner Howlett, Transportation Commissioner
Rick Commissioner Griffith, Transportation Commissioner
Deb Commissioner Kottel, Transportation Commissioner
Jim Lynch, Director –Montana Department of Transportation (MDT)
Jim Currie, MDT Deputy Director
Tim Reardon, MDT Chief Counsel
Sandra Straehl, MDT Rail, Transit & Planning Administrator
Loran Frazier, MDT Chief Engineer
Mike Duman, Assistant FHWA Division Administrator
Ted Burch, FHWA Program Development Engineer
Lorelle Demont, Transportation Commission Secretary

Please note: the complete recorded minutes (audio files) are available for review on the commission's website at www.mdt.mt.gov/pubinvolve/trans_comm/meetings.shtml. You may request a compact disc (containing the audio files, agenda, and minutes) from the transportation secretary at (406) 444-7200 or ldemont@mt.gov. Alternative accessible formats of this document will be provided upon request. For additional information, please call (406) 444-7200. For the hearing impaired, the TTY number is (406) 444-7696 or 1-800-335-7592, or call Montana Relay at 711.

Request for Appointment of a hearings officer for LAMAR Advertising

Under the Montana Administrative Procedures act, Lamar Advertising – Billings appealed MDT's decision to deny Lamar's permit application to upgrade an existing sign face in Billings to an electronic LED message board. The denial was based primarily on an existing rule that prohibits such boards. The commission has the jurisdictional authority over the outdoor advertising at the administrative level. Reardon said Lamar Advertising is entitled to a hearing, and asked the commission to appoint a hearings officer to conduct a hearing on the Lamar outdoor advertising application.

Commissioner Griffith moved to appoint a hearings examiner to hear this case; Commissioner Kottel seconded the motion. The motion passed unanimously.

Agenda item 1: Outdoor advertising

Proposed changes to administrative rules

Commissioner Kottel moved to adopt rule I *official signs* into the Outdoor Advertising Regulations – Administrative Rules of Montana (ARM); Commissioner Griffith seconded the motion. The motion passed unanimously.

Commissioner Kottel moved to adopt rule II *recognition of sponsors, benefactors and support groups* into the

Outdoor Advertising Regulations – ARM, amended so the word “non-profit” is inserted between “An on-premise” and “sign owner” (to read “An on-premise non-profit sign owner may...”), and the addition of section (f) under (1) to state: “A non-profit is a school, church, or/and other local government entity.” Commissioner Griffith seconded; the motion passed unanimously.

Commissioner Kottel moved adoption of administrative rule 18.6.202 *definitions* as presented; Commissioner Griffith seconded. The motion passed unanimously.

Commissioner Kottel moved adoption of administrative rule 18.6.211 *permits* as presented; Commissioner Griffith seconded. The motion passed unanimously.

Commissioner Kottel moved adoption of administrative rule 18.6.212 *permit applications – new sign sites* as presented; Commissioner Espy seconded. The motion passed unanimously.

Commissioner Kottel moved adoption of administrative rule 18.6.221 *new sign erection* as presented; - Commissioner Espy seconded. The motion passed unanimously.

Commissioner Kottel moved the acceptance of administrative rule 18.6.242 *ranch and directional signs* as presented; Commissioner Espy seconded. Motion passed unanimously.

Commissioner Kottel moved adoption of administrative rule 18.6.245 *noncommercial signs* as presented; Commissioner Espy seconded. Motion passed unanimously.

Commissioner Howlett moved to not adopt the proposed changes to administrative rule 18.6.232 *commercial electronic variable message signs* and to refer the matter to the Montana legislature; Commissioner Espy seconded. The motion passed unanimously.

Agenda item 2: Wetland Credit Purchase

Selkirk Wetland Mitigation Site

Commissioner Howlett moved to accept staff recommendations to approve the addition of the wetland credit purchase project to the program; Commissioner Espy seconded the motion. The motion passed unanimously.

Agenda item 3: Culvert Replacement

Culvert-NE of Miles City-Glendive District

Straehl said MDT is requesting commission approval to replace an existing culvert on I-94 located at RP 141.74 in the Glendive District. The culvert has a bow in it and is showing signs of movement. The replacement pipe will be similar in size to the existing pipe. The project will be tied to the *Miles City E&W* (UPN 5916) overlay project for construction.

MDT proposes using Interstate Maintenance (IM) funds for the project. The proposed project's total estimated cost is \$565,000, consisting of \$15,000 for preliminary engineering, \$50,000 for construction engineering and \$500,000 for construction.

To maintain fiscal constraint for the program, the Glendive District proposes to move the *Fallon-NE* project (UPN # 5719) from FY 2007 into FY 2008.

Commissioner Espy moved to accept staff recommendations to approve adding the projects presented to the respective programs; Commissioner Griffith seconded the motion. The motion passed unanimously.

Agenda item 4: Adding mileage to the state maintenance system

Shiloh Road-Zoo Drive – Billings

Commissioner Howlett moved to accept staff recommendations to approve the addition of the segment of Shiloh Road in Billings (U-1031) from reference post 4.298 to reference post 4.533 to the state maintenance system; Commissioner Espy seconded the motion. The motion passed unanimously.

Agenda item 5: CMAQ project – Missoula

Madison Bridge Trail Project

Commissioner Howlett moved to accept staff recommendations to approve the addition of the Madison Bridge Trail Project, a CMAQ project in Missoula to the program; Commissioner Griffith seconded the motion. The motion passed unanimously.

Agenda item 6: Speed study

Commissioner Griffith moved to accept staff recommendations to approve a 40 mph speed zone on North 19th Avenue in Bozeman, from the intersection with Durston Road to Springhill Road; Commissioner Espy seconded the motion. The motion passed unanimously.

Agenda item 7: Access control resolution

Turn Bay – West Three Forks Interchange

Project STPP-NH 8-4(51)1-7 in Broadwater County

Right-of-way project # 4435-051-000

Commissioner Griffith moved to accept staff recommendations to approve an access control resolution for US 287 within the parameters of the *Turn Bay – West Three Forks Interchange* project; Commissioner Espy seconded the motion. The motion passed unanimously.

Agenda item 8: Access Control Resolution

2000-SFTY Imp-8km NW Red Lodge

Project STPHS 78-1(15)5 in Carbon County

Right-of-way project # 4720-015-000

Commissioner Kottel moved to accept staff recommendations to approve the access control resolution for MT Highway 78 within the parameters of the *2000-Safety Imp-8km NW Red Lodge* project; Commissioner Griffith seconded the motion. The motion passed unanimously.

Agenda item 9: Access Control Exceptions Committee roles and responsibilities

US 93 Corridor Preservation (on project Evaro to Polson [NH 0002(418)])

Commissioner Howlett moved to table this item until the next meeting; Commissioner Kottel seconded the motion.

Howlett wanted to be sure the tribal government endorses this before it is adopted. Lynch said the next POG meeting is May 31.

The motion passed unanimously.

Agenda item 10: Letting lists

Commissioner Espy moved to accept staff recommendations to approve the letting lists presented for May, June, July, August and September 2006; Commissioner Griffith seconded the motion.

The motion passed unanimously.

Agenda item 11: Certificates of completion for March 2006

Commissioner Griffith moved to accept staff recommendations to approve the certificates of completion presented for March 2006; Commissioner Espy seconded the motion. The motion passed unanimously.

Agenda item 12: Project change orders

March 2006 = \$601,332,07

Commissioner Griffith moved to accept staff recommendations to approve the change orders for March 2006; Commissioner Kottel seconded the motion. The motion passed unanimously.

Agenda item 13: Liquidated damages

*\$5,802 assessed on project SFCS 419-1(11)0 Jct MT 78 – SW
(Riverside Contracting of Missoula)*

Riverside Contracting of Missoula, MT overran contract time by 6 days. Riverside Contracting signed the Contractors Final Inspection on April 18, 2006 agreeing to the amount of liquidated damages on this project. Staff recommended assessing six days of liquidated damages at \$967 per day for a total of \$5,802.

The commission took no action, therefore the liquidated damages stood in the amount recommended.

Agenda item 14: Commission discussion

Jim Lynch offered updates on the Beartooth Highway, increased costs on bonded projects (Highway 93 *Evano – Polson*), and changes to the Disadvantaged Business Enterprise (DBE) program.

Commissioner Espy raised the issue of secondary roads impacted by oil production in eastern Montana.

Agenda item 15: Public comment

George Littlefield, neighborhood council IV in Great Falls, offered the commissioners copies of the information he'd put together regarding his effort to get school zone safety improved. The first step, with the help of State Senator Trudi Schmidt, was to get fines doubled in school zones. The second step is to get school zones defined in state law, and have relevant safety information inserted into the state driver's manual.

Sharon Williams, representing Williams Feed and Seed of Dillon, offered testimony about her experience with an MDT project in Dillon. Reardon noted that Williams Feed filed a lawsuit against the department, and a jury in Beaverhead County returned a verdict in favor of the State. The matter is on appeal to the Montana Supreme Court.